

REMARKS

Applicant submits this Preliminary Amendment relative to the above-identified patent application prior to any action taken on the merits. This Preliminary Amendment is being filed in connection with a DVD that highlights the differences between the fencing system and method of the instant invention and those fencing systems cited by the Examiner – specifically those systems disclosed in the patents to Carlson, Ravert, Friend and Gibbs.

Specifically, with respect to the patent to Carlson (U.S. Patent No. 803,741), the system disclosed is presented and intended solely for a decorative corner installation and not as a full, customizable versatile fencing system that may be adjusted to fit the contours of a piece of property and not be limited to a 90 degree application. It should be appreciated that the connectors of Carlson, as well as the other references cited by the Examiner, are entirely different from those of the instant invention. These connectors are collar-compression style connectors with nuts and bolts being provided to apply pressure to the fence post and prevent the sections from moving. In the Carlson patent, these connectors are specific to end or corner positions and are therefore not universal as they are in the present invention, and since no straight connectors are disclosed or suggested, these elements cannot be combined into a full connecting fencing system.

In Carlson, it should be appreciated that the fence section height must first be determined, then two compression rings must be tightened with the nut and bolt for the fence section to be held in place, a primary and fundamental difference from the system and method of the present invention. The upper shelf to the presented stake and the weighted standard of Carlson are not intended as a support shelf. Rather, they are referred to as anchoring devices with no mention of a gravity support. Carlson mentions a means for attaching a part of the framework to the

anchoring post, but no mention is made to a post/stake providing a support platform for the fence section as is provided for herein, and which greatly facilitates the installation of the fence since the fencing components merely need to be placed on the stake rather than needing to be lifted up and over the fence post. No direction is made in Carlson for the installer to set the stakes at a determined and uniform height which is necessary for using the stake in this manner. Instruction is given to the use of the compression rings to secure the fence section to the posts, however.

The same distinctions are applicable with respect to the system and method of Friend (U.S. Patent No. 2,074,688), which requires the connectors to be physically attached to the fence sections. The sections of the connector that extend through the fence section frame are then bent opposite each other. Furthermore, the fencing system of Friend, as with Carlson, is extremely difficult to assemble, and even more difficult to disassemble, with the reinstallation of the system unlikely since the connector prongs will undoubtedly break off from repeated bending.

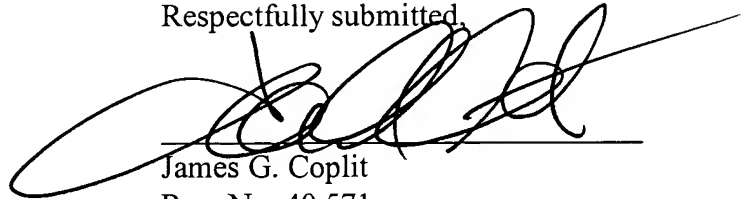
With respect to the fencing system disclosed in Ravert (U.S. Patent No. 1,426,215), it should be appreciated that the system is presented for small indoor or light duty applications and is not intended or capable of being a permanent outdoor fixture as the system of the present invention is clearly intended and designed. Furthermore, the system of Ravert requires a post extended plate which is appropriate only for indoor use and would not work with uneven ground, be difficult to stake and be susceptible to rust. The post extended plate is integral to the system in establishing the special relationship of the fence sections to the floor or ground, and can therefore not be removed or changed. The system of Ravert, as with other systems, is very cumbersome with respect to the installation of several sections, since the sections would need to

be manipulated together to achieve the required interlacing o connecting loops from adjoining sections of fencing.

Finally, with respect to Gibbs (U.S. Patent No. 6,811,145), the system and method of the present invention does not require or use the resistance projecting welding process nor the more common methods of compression bolting or direct bolding onto or into the fence post.

In light of the amendments and remarks, applicant respectfully submits that this application is now in condition for allowance, and an early Notice of Allowance is hereby respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. G. Coplit', is written over a horizontal line. The signature is stylized with large, sweeping loops.

James G. Coplit

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